THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.19983 OF 1999

Dt:12.09.2005

Between:

B.Ramaswamy

.. Petitioner

and

The Secretary and others

.. Respondents

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.19983 OF 1999

ORDER:

This writ petition has been filed by the petitioner with a prayer to issue an order or direction or more particularly in the nature of writ of Mandamus to the respondents for allotment of plot to the petitioner, failing which they may be directed to pay the land value of the compensation with future interest at 24% p.a. on Rs.7,64,488/- from 25.01.1999 till the date of payment.

The petitioner is the owner of premises bearing No.6-2-771/1/2. The total extent of the area covered by the house is about 48 Sq.yards. The Municipality has taken possession of the site measuring 48 Sq.yards along with structures for road widening. The petitioner has also given consent for acquisition, subject to allotment of alternative site. It is also not in dispute that the structural value has been paid to the petitioner. What is required to be paid to the petitioner is the land value or providing alternative site. The consent given by the petitioner while handing over the possession of the land with structures thereon reads as follows:

> "With reference to your letter cited, we the undersigned owner/owners of the premises No.6-2-771/1/2, situated at Chintal Basthi, Hyderabad are willingly handing over the possession of the portion of the existing building land affected in road widening as per the Road Development plan out of the said premises, so that the M.C.H. may widen the road 28' to 60' width. We are handing over the advance possession with an understanding that the M.C.H. will pay the compensation for the land and the structure at an early date, subject to allotment of alternate site".

Since the alternative site has not been provided to the petitioner, he has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Respondents 2 and 3 filed their counter-affidavit.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

During the course of arguments, the learned standing counsel placed on record the instructions received by him to the effect that the respondents authorities have agreed to pay the compensation as per the Land Acquisition Act, 1894 (for short 'the Act'). It is also submitted that since respondents are not in a position to allot alternative land, the authorities have decided to pay the compensation as provided under the Act and therefore, the authorities seek six months time to pay the

compensation to the petitioner as per the provisions of the Land Acquisition Act.

In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to complete the assessment of compensation as provided under the Act and pay the same to the petitioner, within a period of six months from the date of receipt of a copy of this Order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

12.09.2005

kdl